REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 20, 2009 (hereinafter Office Action) have been considered. Claims 1, 2, 5-10, 12-14, 17, 19, 22, 33, 34, and 36-39 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicants note the amendments made to Claims 14, 19, 22, and 33 to remove superfluous terms and/or use alternate wording. The amendments made to the claims are not made for purposes relating to patentability, and are not made in response to prior art or any objections or rejections to the claims. Thus, the Applicant has not intended to narrow, nor has the Applicant narrowed, the scope of any of the claims resulting from the amendments.

Claims 1, 2, 5-10, 12-14, 17, 19, 22, 33, 34 and 36-39 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0132608 by Shinohara (hereinafter "Shinohara") in view of U.S. Publication No. 2004/0136027 by Zehier et al. (hereinafter "Zehier") in view of U.S. Publication No. 2002/0114278 by Coussement (hereinafter "Coussement").

Applicants respectfully traverse the rejections. Applicants submit that the combination of Shinohara, Zehier, and Coussement fails to correspond to the claimed subject matter. In the rejection of the independent claims, Shinohara was relied upon as disclosing the invention substantially as claimed, except that the Examiner recognizes that Shinohara fails to teach or suggest obtaining a universal plug and play device descriptor of a multimedia device via a universal plug and play network. As a result, Zehier is relied upon to teach using universal plug and play to obtain multimedia capabilities. The Examiner also recognizes that Shinohara/Zehier fails to teach or suggest forming a user agent profile, and thus relies on the teachings of Coussement.

Without acquiescing to the Examiner's characterization of the asserted art, the Applicant's claimed subject matter, or of the Examiner's application of the asserted art to the Applicant's claims, Applicants respectfully submit that claimed limitations are not being given the proper weight by the Office during prosecution. Discounting such claim limitations results in an error of law, and therefore the rejections based on *prima facie* obviousness cannot be maintained.

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"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Applicants note that independent Claims 1, 14, 22, and 33 all recite, in some form, forming, based on a universal plug and play device descriptor, a user agent profile on a data store accessible via a mobile communications network, said user agent profile describing multimedia capabilities of the multimedia device for purposes of rendering multimedia messaging service data. Clearly, Shinohara fails to describe any details as to how profiles are formed, merely stating, as noted in the Office Action, that "the telephone is 'coupled' to the external terminal 20 and that a profile is created." (Office Action, page 4, lines 13-14).

Further, the Examiner agrees with Applicants' prior arguments that Sinohara-Zehier do not disclose the use of a UPnP device descriptor to form a user agent profile usable for formatting multimedia message service data. (Office Action, page 8, lines 13-15). However, the Examiner asserts that these references, "when combined with Coussement's recitation of a user agent profile, clearly meets the claimed invention." Applicants respectfully disagree, and note that the combination of references does not teach or suggest forming any profile describing multimedia capabilities for purposes of rendering multimedia messaging service data <u>based on</u> a universal plug and play device descriptor.

As already stated above, Shinohara provides no details as to how profiles are formed. Further, Zehier fails to describe any analogous use of universal plug and play device descriptors for forming profiles of the kind described in Shinohara. Zehier is directed to automated creation of device resident services on a host device (Zehier, Abstract). Zehier generally describes this hosted service as follows:

> A method will be described herein that uses a service description associated with a device advertisement as a template for the creation of a hosted service. The service description is, in essence, an electronic document describing capabilities and interface requirements of device resident services offered by the device. The service generator on the host will create necessary objects on the host to realize a service that will front-end the device. The service generator may also augment the basic service that the device offers in order to provide a richer and more capable service. Once the hosted service has been instantiated, the service generator will then publish the new service in the appropriate directory. (Zehier, 0022).

Thus Zehier describes adopting a service description of a device-resident service to create a front-end service on behalf of the device, and then publishing this front-end service in the

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appropriate directory. Zehier does not describe forming a profile for purposes of rendering multimedia messaging service data. Zehier merely describes substituting one type of service descriptor for another to facilitate access to a device-resident service.

For this reason, Applicants again assert that the combination of Shinohara and Zehier cannot be relied upon to teach or suggest forming, based on a universal plug and play device descriptor, any profile of the type set forth in the claims. While Zehier states that the service description contains "capabilities and interface requirements of device resident services," Zehier fails to recognize any other use for the capabilities and user interface requirements of service descriptors except in analogous types of service discovery.

For similar reasons, Coussement fails to remedy the deficiencies of the Shinohara and Zehier combination. Coussement is directed to "improving the reporting of various active agent-states related to communication capabilities to subscribing applications within." (Coussement, 0052). A "presence agent [is] capable of monitoring the present state of an agent's communication capabilities and current communication states at each agent station" where capabilities include "e-mail, fax, IP phone, ICQ™ and other chat communication applications, file sharing programs, and any instant messenger application." (Coussement, 0067). "[A]gent proxies are provided for integrating agent status and communication capabilities and communicating such information to requesting application," for purposes such as "to aid a caller with selection of a routing option." (Coussement, 0068 and 0073).

Coussement fails to remedy the deficiencies of the Shinohara /Zehier combination regarding the formation of user profile data based on a universal plug and play device descriptor. This is because Coussment only describes the integration of existing agent status and communication capabilities by a proxy, but fails to describe forming a user profile based on a service descriptor or any other data that is outside the realm of existing profile data, e.g., "a CC/PP protocol framework and RDF data formatting to provide collected information to subscribing applications through proxies." (Coussement, 0090).

Thus, while Zehier may describe adapting service discovery data for creating other, similar services, and Coussement describes integrating analogous device capabilities for capabilities-based routing, these references combined with Shinohara fail to suggest any

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association between universal plug and play device descriptor and forming of a user agent profile on a data store accessible via a mobile communications network.

Applicants submit that *prima facie* obviousness has not been established because the combination of references at least fails to teach or suggest forming, based on the universal plug and play device descriptor, a user agent profile on a data store accessible via a mobile communications network, said user agent profile describing multimedia capabilities of the multimedia device for purposes of rendering multimedia messaging service data. As recently stated in the *KSR Int'l. Co. v. Teleflex Inc.* decision

> As is clear from cases such as Adams, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices <u>according to their established functions</u>, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known. *KSR Int'l. Co. v. Teleflex Inc.* 550 U.S. 398,. 1727, 1741 (2007)(*emphasis added*).

In the present case, the Shinohara/Zehier/Coussement combination of references fail to describe any known devices with established functions that suggest the use of universal plug and play device descriptor for forming user agent profiles. Combining the teachings of Shinohara, Zehier, and Coussement in this regard is tantamount to mixing teachings out of context, and such a rejection is not permissible under § 103. See *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000) (proposed modification must not be made in the abstract but rather made in view of the entire teaching of the prior art).

Applicants respectfully assert that the teachings of Shinohara, Zehier, and Coussement would provide insufficient guidance for one of ordinary skill in the art having these references before him/her to make the combination or modification suggested by the Examiner. Applicants respectfully assert that the conclusions of obviousness in the Office Action are, instead, based on improper hindsight reasoning using knowledge gleaned only from Applicants' disclosure. Accordingly, Claims 1, 14, 22, and 33 are allowable over the cited combination of references.

Dependent Claims 2, 5-10, 12, 13, 17, 19, 34 depend respectively from Claims 1, 14, and 33. Without acquiescing to the rejection of dependent Claims 2, 5-10, 12, 13, 17, 19, 34 and 36-39 or the reasons therefore, these are also allowable over the combination of Shinohara, Zehier, and Coussement at least for the reasons given above regarding Claims 1, 14, and 33. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." M.P.E.P. §2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.095PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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